

quently, if the conveyance by Jones, to Winn and Ross, in trust, as set out in the original bill, is for any reason inoperative, that then the property thereby intended to be passed, vests in them as permanent trustees, in which capacity they are entitled to a continuance of the injunction.

The filing of a supplemental bill is not a matter of course, but only by leave of the court upon sufficient cause shown. *Eager vs. Price, 2 Paige, 333.* And the same case proves that in a doubtful case the court may direct notice of the application to be given to the defendants who have appeared.

In this case, the defendants by their counsel were present at the time the petition for leave to file the supplemental bill was presented to the Chancellor, and stated their objections to it, and the counsel for the complainants was heard in support of the application.

The principal objection urged, is, that the title proposed to be set up by the supplemental bill, differs from, and is in fact antagonistical to, the title relied upon in the original bill, it being contended, that the plaintiffs cannot have the benefit of the former proceedings by a supplemental bill, but in respect of the same title as stated in the original bill.

It has been decided that if the original bill is wholly defective and there is no ground for proceeding upon it, it cannot be sustained by filing a supplemental bill, founded upon events which have subsequently taken place, or a title subsequently acquired. In such a case a new bill should be filed. But if the original bill was sufficient to entitle the plaintiff to one kind of relief, and facts subsequently occur, which entitle him to other or more extensive relief, he may have such relief by setting out such new matter in the form of a supplemental bill. *Candler vs. Pettit, 1 Paige, 168.*

In 3 *Daniel's Ch. Pr.*, 1657, it is stated that the plaintiff cannot support a *bad title*, by acquiring another after the filing the original bill, and bringing it forward by supplemental bill. And the case put, is that of a plaintiff who filed his bill to redeem a mortgage as heir at law of the mortgagor, and upon an issue directed, was found not to be heir; but in the meantime